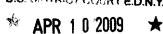
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UNITED STATES DISTRICT COURT BROOKLYN OFFICE EASTERN DISTRICT OF NEW YORK X 08-CV-2325 (ARR)(JO) BOARD OF TRUSTEES OF THE UFCW LOCAL 174 PENSION FUND, Plaintiff, NOT FOR PRINT OR ELECTRONIC -against-**PUBLICATION** JERRY WWHS CO., INC, ORDER Defendant. X

ROSS, United States District Judge:

The court has received the Report and Recommendation on the instant case dated March 19, 2009 from the Honorable James Orenstein, United States Magistrate Judge. No objections have been filed. Accordingly, the court has reviewed the Report and Recommendation for clear error on the face of the record. See Advisory Comm. Notes to Fed. R. Civ. P. 72(b); accord Edwards v. Town of Huntington, No. 05 Civ. 339 (NGG) (AKT), 2007 U.S. Dist. LEXIS 50074, at *6 (E.D.N.Y. July 11, 2007); McKoy v. Henderson, No. O5 Civ. 1535 (DAB), 2007 U.S. Dist. LEXIS 15673, at *1 (S.D.N.Y. March 5, 2007). Having reviewed the record, I find no clear error. I hereby adopt the Report and Recommendation, in its entirety, as the opinion of the Court pursuant to 28 U.S.C. § 636(b)(1).

Therefore, the court awards the plaintiff a default judgment in the total amount of \$322,680.15 (consisting of \$306,705.00 in withdrawal liability; \$14,690.15 in accrued interest; \$935.00 in reasonable attorneys' fees; and \$350.00 in other litigation costs).

The Clerk of the Court is directed to enter judgment accordingly.

SO ORDERED.

S/ ARR
Allyne R. Ross
United States District Judge

Dated: April 9, 2009 Brooklyn, New York

SERVICE LIST:

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cc: Magistrate Judge James Orenstein